

**Notice of Allowability**

Application No.

09/931,187

Examiner

Jalatee Worjloh

Applicant(s)

MERSKY ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed May 4, 2006.
2. ☒ The allowed claim(s) is/are 1-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

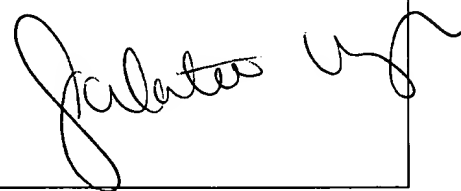
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



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1. Claims 1-59 have been allowed.

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is US Publication No. 2002/0069166 to Moreau et al.

Moreau et al. disclose a system and method for accepting customer orders. In Moreau et al. system, the customer selects a product or service to be purchased from a merchant; if the customer selects to pay by cash, the order is transmitted to a facilitator. The facilitator processes the order then the customer prints out an order form and present it to a collection agent. Upon receiving the order form, the agent processes/agent processing means the order and the customer pays the agent in cash or check. However, Moreau et al. taken either individual or in combination with other prior art of record fails to teach or suggest an agent processor, disposed at said remote site and accessing said network, to receive a customer selection of a desired business transaction conducted over said network *in real time* with a particular provider processing system and customer transaction information and to process information associated with a customer payment receivable in forms including at least one of cash and a check and manually tendered by a customer at said remote site to a service provider to satisfy payment requirement of said customer selected transaction and a communication module/communication means to access a web site of said particular provider processing system performing said customer selected transaction, wherein said web site is publicly available to network users, *thereby enabling performance of said selected transaction absent a prearranged agreement between said service provider and a provider associated with said web site* as recited in independent claims 1, 22 and 50; receiving a customer selection of a desired business

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transaction conducted over said network in *real time* with a particular processing system and customer transaction information and processing information associated with a customer payment receivable in forms including at least one of cash and check and manually tendered by a customer at said remote site to a service provider to satisfy payment requirement of said customer selected transaction via an agent processor disposed at said remote site and accessing said network and accessing a web site of said particular provider processing system performing said customer selected transaction, wherein said web site is publicly available to network users, *thereby enabling performance of said selected transaction absent a pre-arranged agreement between said service provider and a provider associated with said web site* as recited in independent claim 30.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent No. 7003500 to Driessen discloses a retail point of sale apparatus/method for Internet merchandising. Driessen discloses means for accepting payment through an in person transaction with a customer.
- US Publication No. 2002/0103756 to Andrews et al. discloses a payment settlement process that electronically originates a paper check for the settlement of online transactions. A user may select an option to settle a transaction by check, then the user is prompted for personal and financial information to facilitate the creation of a check and to guarantee the availability of funds

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- US Publication No. 2003/0101102 to Kim discloses prepayment and profit distribution system for unrealized goods on the Internet.

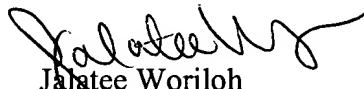
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jalatee Worjloh  
Patent Examiner  
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July 18, 2006